

AMENDED IN ASSEMBLY APRIL 22, 2004

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

ASSEMBLY BILL

No. 2858

Introduced by Assembly Member Ridley-Thomas

February 20, 2004

An act to add Chapter 2.8 (commencing with Section 12330) to Title 2 of Part 4 of the Penal Code, relating to the Firearm Victims' Reimbursement Fund.

LEGISLATIVE COUNSEL'S DIGEST

AB 2858, as amended, Ridley-Thomas. Firearm Victims' Reimbursement Fund.

Existing law generally regulates the sale of ammunition and firearms.

This bill would, subject to exceptions, impose a fee of 10% of the retail sale price on every munition and a fee of 5% of the retail sale price on every handgun, as defined, sold at retail. The fees would be paid *by retailers* to the State Board of Equalization, and deposited in the Firearm Victims' Reimbursement Fund. The Firearm Victims' Reimbursement Fund would be used, upon appropriation, to pay firearm-injury victims for uncompensated pecuniary losses and to pay for related administrative costs, as specified.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Chapter 2.8 (commencing with Section 12330)
- 2 is added to Title 2 of Part 4 of the Penal Code, to read:
- 3

1 CHAPTER 2.8. FIREARM VICTIMS' REIMBURSEMENT FUND

2
3 12330. (a) (1) There shall be imposed a fee upon *the retailer*
4 *for* all munitions sold at retail at the rate of 10 percent of the retail
5 sale price for each munition sold at retail in this state on or after
6 January 1, ~~2006~~ 2005.

7 (2) Except as provided in paragraph (1), the fee shall also be
8 imposed upon and paid by the purchaser of munitions for
9 munitions purchased outside of the state and that are intended to
10 be stored or used in the state.

11 (3) There shall be imposed a fee upon *the retailer for* all
12 handguns sold at retail at the rate of 5 percent of the retail sale price
13 for each handgun sold at retail in this state on or after January 1,
14 2005.

15 (4) The *fee fees* imposed pursuant to this section shall not
16 exceed the costs authorized for expenditure pursuant to
17 subdivisions (f) and (g).

18 (b) The fees imposed by this section shall be administered and
19 enforced by the State Board of Equalization.

20 (c) (1) For purposes of this section, "munition" means either
21 a finished munition product consisting of a projectile with its fuse,
22 propelling charge, or primer, or a primer component, as
23 applicable. "Munition" does not include a BB or a pellet
24 commonly used in an air rifle or pistol, or "blank" munitions
25 which lack a projectile.

26 (2) For purposes of this section, "handgun" means a handgun,
27 as defined in Section 12001, that is on the approved list pursuant
28 to Section 12131.

29 (d) (1) The *fee fees* provided for in this section may not be
30 imposed upon any munition or primer component, *or handgun*
31 purchased by any peace officer required to carry a firearm while
32 on duty, ~~or by~~ *upon* any governmental law enforcement agency
33 employing that officer, *or upon any government agency*
34 *purchasing those items on behalf of a law enforcement agency*, for
35 use in the normal course of employment.

36 (2) The *fee fees* provided for in this section shall not be
37 imposed upon purchasers who have a valid California hunting
38 license, and are purchasing ammunition intended to be used in a
39 rifle or shotgun, as those terms are defined in Section 12020. The
40 retailer shall complete and maintain a purchaser's certificate, in a



1 form and for a period determined by the Board of Equalization,
2 documenting and verifying the purchaser's qualifications for the
3 exemption from the fees pursuant to this paragraph.

4 (3) The ~~fee fees~~ imposed pursuant to this section shall not be
5 imposed on any of the following transactions:

6 (A) A transaction conducted pursuant to Section 12082 or
7 12084 in order to comply with subdivision (d) of Section 12072.

8 (B) A transaction that complies with an exemption from the
9 requirements of subdivision (d) of Section 12072.

10 (C) A transaction conducted pursuant to paragraph (2) of
11 subdivision (f) of Section 12072.

12 (e) All amounts required to be paid to the state under this
13 section shall be paid to the State Board of Equalization in the form
14 of remittances that are payable to that board and are separate from
15 the remittance of any other fee. The board shall transmit the
16 payments to the Treasurer to be deposited in the State Treasury to
17 the credit of the Firearm Victims' Reimbursement Fund, which is
18 hereby created.

19 (f) The Firearm Victims' Reimbursement Fund may be used,
20 upon appropriation by the Legislature, for the following purposes:

21 (1) To pay the State Board of Equalization for the board's cost
22 of implementation and administration of this section, *provided*
23 *however, that amount appropriated for those purposes may not*
24 *exceed 10 percent of the total amount of moneys deposited in the*
25 *fund for that fiscal year.*

26 (2) To pay the California Victims Compensation and
27 Government Claims Board for the board's cost of implementation
28 and administration of this section, *provided however, that amount*
29 *appropriated for those purposes may not exceed 5 percent of the*
30 *total amount of moneys deposited in the fund for that fiscal year.*

31 (3) To compensate those persons who are injured by firearms
32 and who suffer uncompensated pecuniary loss, *under the*
33 *guidelines of the federal Victims of Crime Act, provided however,*
34 *that no person who is injured by a firearm while committing or*
35 *attempting to commit a crime may be eligible for compensation*
36 *pursuant to this section.*

37 (g) The fund shall be administered by the California Victims
38 Compensation and Government Claims Board in a similar manner
39 and for similar purposes as the board administers the Restitution
40 Fund, ~~except that it shall not be limited to victims of crime.~~



1 (h) If the amount credited to the Firearm Victims'
2 Reimbursement Fund exceeds the amount necessary to fully cover
3 reimbursable costs pursuant to subdivision (f), the State Board of
4 Equalization shall temporarily adjust, for the following one-year
5 period, the fee to be charged pursuant to subdivision (a) to an
6 amount estimated to deplete any surplus in the fund during the next
7 calendar year.

8 (i) The Board of Equalization and the California Victims
9 Compensation and Government Claims Board shall adopt
10 regulations necessary to implement this chapter.

11 *12331. For purposes of this chapter, the State Board of*
12 *Equalization may collect the fees pursuant to the Fee Collection*
13 *Procedures Law, Part 30 (commencing with Section 55001) of*
14 *Division 2 of the Revenue and Taxation Code.*

15 *12332. (a) The fees imposed by this chapter and the amounts*
16 *thereof required to be collected by munitions and handgun*
17 *retailers are due quarterly on or before the last day of the month*
18 *next succeeding each calendar quarter.*

19 *(b) On or before the last day of the month following each*
20 *calendar quarter, a return for the preceding quarterly period shall*
21 *be filed with the State Board of Equalization in a form as the board*
22 *shall prescribe. The return shall be signed by the person required*
23 *to file the return or by his or her authorized agent.*

24 *12333. A person who is not a retailer, and who purchases*
25 *munitions pursuant to paragraph (2) of subdivision (a) of Section*
26 *12330, shall, not more than 90 days after the transaction, pay the*
27 *fees due and file a form as the Board of Equalization may prescribe*
28 *that is signed by that person.*

